

REMARKS

Claims 1-4, 7, 10, 12-17 and 28-37 are pending in this application.

Claims 2, 3, 8, 9, 12-17 and 28-36 are allowed.

Claim 10 is objected to.

Claims 1, 4, 7 and 37 are rejected.

The final office Action dated 18 June 2008 indicates that claims 1, 4, 7 and 37 are rejected under 35 USC §102(b) as being anticipated by Stanford U.S. Patent No. 5,357,448. In the previous response, the feature “without measuring optical density of ink on a print” was added to claim 1 to distinguish it over Stanford. However, the present office action gives that feature no patentable weight, arguing that it is not discussed in the specification.

Attention is directed to paragraph 59 of the application, which clearly states “The methods above are not limited to inferring ink thickness by measuring optical density.” The feature is supported by the specification. Therefore, it is legal error to ignore the claimed feature “without measuring optical density of ink on a print.”

Nevertheless, the ‘102 rejection has been rendered moot by the amendment above to claim 1. Claim 1 has been amended to recite the subject matter of claim 10, now cancelled, and claim 37 has been amended to depend properly from amended claim 1. Since the office action indicates that claim 10 recites allowable subject matter, amended claim 1 and its dependent claims 4, 7 and 37 should be allowed. Since the examiner gives no patentable weight to the feature “without measuring optical density of ink on a print,” removing it from claim 1 does not broaden the claim or create new issues. Moreover, the examiner had already indicated (in an earlier office action dated Jan. 22, 2008) that claim 1 as currently amended would be allowable.

The examiner is encouraged to contact the undersigned to discuss any issues that might remain.

Respectfully submitted,

/Hugh Gortler #33,890/

Hugh P. Gortler

Reg. No. 33,890

Date: September 15, 2008